

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 622 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

MOHAMMED SIDDIK KASAMBHAI QURESHI

Versus

MAKSUDKHAN MOHAMMEDKHAN PATHAN

Appearance:

MR DJ BHATT for Petitioner

MR SANJAY A MEHTA for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 18/09/2000

ORAL JUDGEMENT

The applicant-original plaintiff of H.R.P. Suit No.1693 of 1998 has preferred this Civil Revision Application against the order dated 28-4-2000, passed by the Appellate Bench of the Small Cause Court, Ahmedabad, upon Exh.20 in Appeal from Order No.93/99, whereby the

application Exh.20, submitted by the opponents-original defendants was allowed and the matter was remanded back to the trial Court to decide the injunction applications afresh on merits.

2. Earlier notice and thereafter rule was issued by this Court and in pursuance of the notice issued by this Court, learned advocate Mr.S.A.Mehta, appeared on behalf of the opponents. I have heard Mr. D.J.Bhatt, learned advocate for the applicant and Mr. S.A.Mehta, learned advocate for the opponents. With the consent of the parties, this petition is allowed. The order dated 28-4-2000, passed by the Appellate Bench of Small Cause Court, Ahmedabad, upon Exh.20 in Appeal from Order No.93/99 is hereby quashed and set aside. In pursuance of the application Exh.20 which is allowed by the Appellate Bench of Small Cause Court, Ahmedabad, the applicant-original plaintiff is permitted to produce documentary evidence directly before the Appellate Bench of Small Cause Court, Ahmedabad, if he desire to do so. The Appellate Bench, Small Cause Court, Ahmedabad is hereby directed to dispose of Appeal from Order No.93 of 1999 on merits as expeditiously as possible after taking into consideration the documents which may produce by the applicant-original plaintiff into Appeal from Order No.93/99. Rule made absolute with no order as to costs.

18-8-2000 (R.P.Dholakia, J.)

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